

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
LORETTA A. CERBELLI, as ADMINISTRATRIX of the :
Estate of KEVIN E. CERBELLI, deceased :

Plaintiff, :

-against- :

THE CITY OF NEW YORK, THE NEW YORK CITY :
POLICE DEPARTMENT, POLICE OFFICERS JAMES :
WILLIAMS, PAUL VALDES, and ROBERT EHMER, :
SGT. MICHAEL BARETTO, LT. WILLIAM McBRIDE :
and other yet to be identified POLICE OFFICERS OF THE :
NEW YORK CITY POLICE DEPARTMENT, THE NEW :
YORK CITY HEALTH AND HOSPITALS :
CORPORATION, ELMHURST HOSPITAL, MARY LOU :
PUERTOLLANO, M.D., MUKUNDAM :
VEERBATHANI, M.D., SANTHI S. RATAKONDA, :
M.D., ANTHONY BOUTIN, M.D., JOHN DOE, M.D., :
MOUNT SINAI SERVICES, and MOUNT SINAI :
SCHOOL OF MEDICINE CITY UNIVERSITY OF NEW :
YORK, INC., :

Defendants. :
----- X

99-CV-6846 (ARR)(RML)

ORDER

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

2009 JAN 13 PM 4:19

FILED
CLERK

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated December 17, 2008 from the Honorable Robert M. Levy, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ.

1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

For the reasons set forth in the Report and Recommendation, defendants New York City Health and Hospitals Corporation's, Hukundam Veerabathani's, Santhi Ratakonda's, Anthony Boutin's, Erik Gunderson's, and Mount Sinai School of Medicine's motions for summary judgment are granted in all respects.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

s/ ARR

Allyne R. Ross
United States District Judge

Dated: January 13, 2009
Brooklyn, New York

SERVICE LIST:

Diane M. Paolicelli
Carmen S. Giordano
Levy, Phillips & Konigsberg, LLP
520 Madison Avenue
New York, NY 10022

E. Marc Hyman, Esq.
Heidell, Pittoni, Murphy & Bach, LLP
99 Park Avenue
New York, NY 10016

cc: Magistrate Judge Robert Morris Levy